

### **REMARKS/ARGUMENTS**

Claims 1-19 are pending in the present application. Claims 1-8, 10, and 12-14 have been amended. Claims 1-4, 10, and 15-19 are independent claims. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and the following Remarks.

#### **Interview of January 11, 2004**

Applicants wish to thank Examiner Yon Couso for taking the time to discuss this application with Applicants' Representative, Jason Rhodes during the personal interview of September 2, 2004.

A Substance of the Interview is provided below.

#### **Substance of the Interview**

**Identification of Claims Discussed:** Claim 1 was discussed.

**Identification of Prior Art Discussed:** U.S. Patent No. 5,524,069 to Inoue (hereafter Inoue).

**General Results:** Agreement was not reached as to whether claim 1 was patentable over Inoue. During the interview, the Examiner took the position that Inoue discloses adjusting density values within a selected image area (i.e., characteristic area) based on surrounding density values within the selected image area.

**Allowable Subject Matter**

As indicated in the Office Action of June 23, 2004 and the Advisory Action of January 19, 2005, the Examiner considers the subject matter of claims 12-14 as being allowable if rewritten in independent form including the subject matter of their base claims and any intervening claims.

**Claim Objection**

In the Request for Continued Examination (RCE) filed concurrently herewith, entry is being made of the Reply Under 37 C.F.R. § 1.116 filed by Applicant on December 20, 2004 (hereafter Previous Reply). In accordance with the Previous Reply, claim 9 has been amended, as suggested in the Office Action of June 23, 2004, to overcome the claim objections. Thus, withdrawal of the objections to claim 9 is respectfully requested.

**Rejection Under 35 U.S.C. § 102**

Claims 1-4 and 10 stand rejected under 35 USC § 102(b) as being anticipated by Inoue. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

As amended, claims 1-4 and 10 recite selecting an area in the image and adjusting either density or color of an image at a selected image area based on density/color information of a part of the non-selected image area that surrounds the selected image area.

Accordingly, even if Inoue could be broadly interpreted to teach adjusting density values of a selected image area (i.e., Inoue's characteristic area 121), such density adjustment of the selected image area is not performed based on density values in a **non-selected** image area. Applicant respectfully submits that there is no teaching in Inoue of adjusting the density in a selected image area based on density information in a surrounding part of the non-selected image area, as required by claims 1-4 and 10.

Thus reconsideration and withdrawal of this rejection is respectfully requested.

**Rejection Under 35 U.S.C. § 103**

Claims 5-8 stand rejected under 35 USC § 103(a) as being unpatentable over Inoue in view of *Digital Image Processing* (1993) by Gonzalez et al. (hereafter Gonzalez). Applicant respectfully submits that Gonzalez fails to remedy the deficiencies of Inoue, which are set forth above in connection

with independent claim 1. Thus, it is respectfully submitted that claims 5-8 are allowable at least by virtue of their dependency on claim 1. As such, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 9 and 11 stand rejected under 35 USC § 103(a) as being unpatentable over Inoue in view of U.S. Patent No. 6,141,442 to Chen (hereafter Chen). Applicant respectfully submits that Chen fails to remedy the deficiencies of Inoue, as set forth above in connection with independent claim 1. Thus, it is respectfully submitted that claims 9 and 11 are allowable at least by virtue of their dependency on claim 1. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

#### **New Claims**

Claims 15-19 are new. Applicant respectfully submits that the filing of these new claims does not add any new matter to the present application. Instead, it is submitted that support for the subject matter in claims 15-19 can be found in the application, e.g., in the originally filed claims and in the specification at page 7, lines 9-22, and page 9, lines 3-15. Furthermore, it is respectfully submitted that the cited references do not teach the combination of elements recited in

claims 15-19. As such, it is respectfully submitted that claims 15-19 are in condition for allowance.

**Conclusion**

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

D. Richard Anderson, #40,439

  
DRA/JWR

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000